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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/776,412

02/02/2001

R. Steven Schultz

01153.0001U2

4078

23859 7590 06/13/2008  
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EXAMINER

HAVAN, THU THAO

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

06/13/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/776,412	<b>Applicant(s)</b> SCHULTZ ET AL.	
	<b>Examiner</b> THU-THAO HAVAN	<b>Art Unit</b> 3693	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 07 March 2008.

2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 55-61 is/are pending in the application.

    4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 55-61 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 07 March 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All    b) ☐ Some \*    c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_.

4) ☐ Interview Summary (PTO-413)  
    Paper No(s)/Mail Date \_\_\_\_\_.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: \_\_\_\_\_.

### **Detailed Action**

#### ***Response to Amendment***

Claims 55-61 are pending. This action is in response to the remarks received March 7, 2008.

#### ***Drawings***

The drawings were received on March 7, 2008. These drawings are accepted.

#### ***Response to Arguments***

The rejection of claims 55-61 under 35 U.S.C. 103(a) as being unpatentable over Herman et al. (US patent no. 6,341,353) in view of Rogers et al. (US 6,018,719) is maintained.

Applicant's arguments filed March 7, 2008 have been fully considered but they are not persuasive.

In response to the arguments concerning the previously rejected claims the following comments are made:

A.) In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

B.) Applicant alleges that the prior art made of record fails to teach a return shipping label. The examiner disagrees with applicant's representative since Rogers

teaches a return shipping label (col. 7, line 62 to col. 9, line 15; figs. 4-6). Rogers discloses return policies with serial number information coded with date, retail information, repair date, and etc. Also, in figure 6, he provides a graphic illustration of a return process which utilizes the features of an electronic registration system. The consumer's return options (e.g., warranty repair, exchange, store credit, or cash refund) may be displayed. The display of consumer options is particularly advantageous where electronic registration is used for multiple manufacturers.

C.) Applicant alleges that the prior art made of record fails to teach a hyperlink associated with a product return procedure. The examiner disagrees with applicant's representative since Herman teaches a hyperlink associated with a product return procedure (col. 38, lines 25-40; col. 39, lines 8-59). Herman discloses the relationship marketing server uses smart receipts as the basis for after-market consumer care. When a consumer buys a product, the merchants relationship marketing server generates a unique digital object in the form of a smart receipt which contains all of the information needed for consumer care. The relationship marketing server sends this information to the customer's trusted agent. The customer can open his trusted agent using a URL (*i.e. a type of hyperlink*), click on the smart receipt, and be presented with a number of services, such as automatically routed requests for customer service or return authorizations (*i.e. a type of product return procedure*), number listings to call for help, order status tracking (for example, offered in eventual partnership with such shipping companies as Federal Express or UPS), and pre-formatted and routed requests for related product offers.

With regards to the claims rejected as taught by Herman and Rogers, the examiner would like to point out that the reference teaches the claimed limitations and thus provides adequate support for the claimed limitations. Therefore, the examiner maintains that Herman and Rogers taught the claimed limitations.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **41-61** are rejected under 35 U.S.C. 103(a) as being unpatentable over Herman et al. (US patent no. 6,341,353) in view of Rogers et al. (US 6,018,719).

Re claims **41, 55, and 59**, Herman teaches a method for providing electronic receipts using an electronic receipt generator (figs. 19 and 22), comprising:

- a. conducting a sales transaction between a buyer and a first seller (col. 22, lines 18-24; fig. 4 discloses consumer/user corresponds to a buyer and a merchant/vendor corresponds to a seller);
- b. transmitting information about the sales transaction to the electronic receipt generator over a first network (col. 2, lines 11-14);
- c. generating by the electronic receipt generator an electronic receipt including detailed information describing the sales transaction, wherein the detailed

information includes sale price, total transaction amount, item description (fig. 22), information indicating completion of the transaction (col. 1, lines 63-66), and a hyperlink associated with a product return procedure (col. 2, lines 11-14);

d. transmitting the electronic receipt over a second network to a computing device operated by the buyer (figs. 1 and 9);

e. displaying the detailed information on the computing device (col. 6, lines 41-54; fig. 9);

f. activating, by the buyer, the hyperlink on the computing device (col. 4, lines 16-36; fig. 1; abstract);

g. transmitting, to the computing device and in response to activation of the hyperlink, return information containing steps for returning the product (col. 43, line 4 to col. 44, line 37; figs. 16-17 and 19); and

h. displaying the return information on the computing device (fig. 18);

i.) requesting, by the buyer, a return shipping label for the product (col. 44, lines 53-55; col. 38, lines 8-24),

j.) transmitting the return shipping label to the computing device (col. 38, lines 8-24).

In other words, Herman discloses the relationship marketing server uses smart receipts as the basis for after-market consumer care. When a consumer buys a product, the merchants relationship marketing server generates a unique digital object in the form of a smart receipt which contains all of the information needed for consumer care. The relationship marketing server sends this information to the

customer's trusted agent. The customer can open his trusted agent using a URL (*i.e. a type of hyperlink*), click on the smart receipt, and be presented with a number of services, such as automatically routed requests for customer service or return authorizations (*i.e. a type of product return procedure*), number listings to call for help, order status tracking (for example, offered in eventual partnership with such shipping companies as Federal Express or UPS), and pre-formatted and routed requests for related product offers. Furthermore, Herman discloses a smart electronic receipt system wherein a buyer and seller conducting sales transaction and receiving a receipt upon completion of the transaction. His system includes hyperlinks embedded in the Smart Receipt that enable the customer to access customer service and order status. The merchant may also embed additional services within the Smart Receipt, including special offers for future purchases. In addition, he discloses a hyperlink associated with a product return procedure (col. 39, lines 8-59).

However, Herman does not explicitly teach producing a hard copy of the return shipping label using the computing device. On the other hand, Rogers discloses producing a hard copy of the return shipping label using the computing device when he discloses customer sales receipt is printed with the serial numbers (col. 7, line 62 to col. 8, line 9). Rogers discloses the customer sales receipt is printed with the serial number and the transaction databases are updated. The process ends if the customer is satisfied with the product. If not, however, the customer returns the product to the store. He discloses a link to the manufacturer's serial number database may be made to search for serial numbers

which do not appear in the retailer database. Thus, it would have been obvious to one of ordinary skill in the art to produce a hard copy of the return shipping label using the computing device within the process of printing a receipt in order to handle the customer returns.

Re claims **42** and **61**, Rogers teaches first network comprises is a wireless network operating at the location associated with the first seller (col. 3, lines 48-58; col. 4, lines 7-46).

Re claim **43**, Herman teaches second network comprises the Internet (fig. 2 (element 60)).

Re claim **44**, Herman teaches sales transaction is conducted at a point of sale terminal associated with the seller (col. 37, lines 43-49).

Re claims **45** and **59**, Herman teaches receipt generator is operated by a third party (col. 11, lines 1-15).

Re claim **46**, Herman teaches a. requesting, by the buyer, warranty service information pursuant to a step for returning the product; b. transmitting, to the computing device, steps for obtaining warranty service for the product; c. displaying the steps for obtaining warranty service on the computing device; d. requesting, by the buyer, product warranty text pursuant to a step for returning the product; e. transmitting, to the computing device, product warranty text; f. displaying the warranty text on the computing device; g. requesting, by the buyer, product recall information pursuant to a step for returning the product; h. transmitting, to the computing device, product recall



information for the product; i. displaying the product recall information on the computing device (col. 44, lines 5-63; col. 45, lines 1-40; fig. 14).

Re claims **47-54, 56-58, and 60**, Herman teaches a. generating by the electronic receipt generator information from a plurality of electronic receipts that are associated with the buyer and that are associated with a plurality of sellers; b. converting by the electronic receipt generator the information generated from the plurality of electronic receipts to a determined format; and c. transmitting the converted information generated from the plurality of electronic receipts to the buyer over the second network. (col. 20, lines 21-39; col. 38, lines 1-40; figs. 9-12).

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday from 6am-2pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Thu Thao Havan/  
Primary Examiner  
Art Unit 3693  
6/5/08